

Bloate v. U.S.

--- U.S. --- (2010)

Decided March 8, 2010

FACTS: On August 24, 2006, Bloate was indicted in federal court on firearms and drug charges. (The details of his criminal case are immaterial to this summary.) That indictment started the 70-day clock under the Speedy Trial Act. Various pretrial motions were made, and the deadline to file such motions was extended until September 25. At that time, Bloate indicated he did not wish to file any additional pretrial motions. On October 4, the judge held a hearing to consider Bloate's waiver, and concluded it was voluntary and intelligent.

Over the ensuing three months, Bloate's trial was delayed for several reasons, some at his own instigation. In one instance, he fired his attorney and obtained new counsel. Finally, on February 19, 2007, 179 days after the indictment, Bloate moved to dismiss the case, arguing that the speedy trial provision required it. At that time, the judge considered that approximately 30 days did not count, and apparently dismissed the motion. In late February, due to the rescheduling of another case, Bloate's trial was moved to March 5. At that time, he was tried, and convicted, following a two day trial.

Bloate appealed to the Eight Circuit Court of Appeals, which affirmed the denial of his motion to dismissal. The appellate court ruled that "pretrial motion preparation time" is "automatically excludable." This put the Eighth Circuit in agreement with seven other Courts of Appeal that interpreted that relevant portion of the Speedy Trial Act the same way. (Notably, the Sixth Circuit, however, was on the opposite side.)

Bloate requested certiorari, and the U.S. Supreme Court agreed to hear the appeal.

ISSUE: May delays due to pretrial motions be automatically excluded from the 70-day Speedy Trial provisions?

HOLDING: No (but see discussion)

DISCUSSION: The Speedy Trial Act requires that trial be held within 70 days of indictment, but excludes from the calculation "days lost to certain types of delay" as indicated in the statute. The subsection in question "any period of delay resulting from other proceedings concerning the defendant" - a list of eight subcategories. In this case, the delay at issue was granted to allow Bloate to file pretrial motions - a period of approximately 30 days. The Court noted that the subparagraph in question "does not subject all pretrial motion-related delay to automatic exclusion." The only period that was automatically excludable was the period from the filing of the motion to the conclusion of the hearing. The Court discussed at length the procedural issues involved in this case, and required that a trial judge make specific and detailed findings when a case would go beyond the 70-day rule.

In this case, Bloate "instigated all of the pretrial delays except for the final continuance from February 26 to March 5. The trial judge "diligently endeavored to accommodate" Bloate's requests. Despite the concern that limiting automatic exclusions would "trap" judges who had to balance the desires of the defendant against the ticking clock, the Court noted that "trial judges always have to

devote time to assessing whether the reasons for the delay are justified, given both the statutory and constitutional requirement of speedy trials.” The Court did not find that “placing these reasons in the record” did not “add an appreciable burden on these judges.” Further, the Court noted, even if the case was dismissed, it could be dismissed without prejudice, allowing the prosecution to refile the charges.

The Court ruled that the 28-day period was not automatically excludable, but noted that the appellate court did not address whether any other subsection of the Speedy Trial Act would have justified the exclusion. The Court remanded the case to the Eighth Circuit for further proceedings on the matter.

NOTE: *Although this case does not directly involve law enforcement, it is summarized to illustrate the need for the Court to move in an expeditious manner once an indictment is returned on a criminal defendant in federal court.*